

RESOLUTION 28-2009

AUTHORIZING PROSECUTORIAL ASSISTANCE

WHEREAS, the Jefferson County Attorney has requested prosecutorial assistance in the case of State v. Fuqua, and

WHEREAS, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in the prosecution of the aforementioned case; and

WHEREAS, Montana Code Annotated §44-4-111 authorizes and contemplates that the training coordinator for county attorneys and the bureau chief of Prosecution Services Bureau (together with the deputies within said bureau) act as special counsel on request of the county attorney and upon the approval of the Board of County Commissioners; and

IT IS HEREBY RESOLVED:

That the attorneys assigned to the Prosecution Service Bureau of the Department of Justice are hereby appointed as special deputy county attorneys for Jefferson County for the purpose of assisting in the prosecution of the aforementioned case and that any of said deputies can fulfill the functions set out in Montana Code Annotated §44-4-103.

IT IS FURTHER RESOLVED:

That under the terms of this agreement, no fee will be charged for attorney time provided by the Bureau based upon the fact that pursuant to the internal operational policies adopted by the Attorney General September 1, 1999, assistance in such cases is provided without an hourly fee. Witness fees and expenses, jury costs, and other normal costs associated with trial will be the County's responsibility as with all other prosecutions.

DATED this 1st day of September, 2009.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER